

Appl. No. : 10/617,915
Filed : July 10, 2003

REMARKS

By way of summary, Claims 1-53 were pending in this application. In the present amendment, the Applicant has elected Claims 19 and 23-43 and canceled Claims 1-18, 20-22, and 44-53 without prejudice or disclaimer. Claims 19 and 33 have been amended to clarify terminology. Accordingly, Claims 19 and 23-43 remain pending for consideration.

AMENDMENT TO THE SPECIFICATION

The specification has been amended to update incomplete continuity data.

RESTRICTION REQUIREMENT

This communication is in response to the Restriction Requirement mailed March 13, 2006. In the Restriction Requirement, the Examiner has required restriction to one of the following seven inventions:

- I. Claims 1-9, 20-22, drawn to a method for measuring *in vivo* blood glucose levels, classified in class 435, subclass 14.
- II. Claims 10-18, drawn to a skin sensor composition, classified in class 430, subclass 82 for example.
- III. Claims 19, 23-43, drawn to a method for monitoring concentration of metabolites or analytes, classified in class 604, subclass 504 for example.
- IV. Claims 44-46, drawn to a sensor system, classified in class 600, subclass 310.
- V. Claims 47-48, drawn to a method for determining blood glucose concentration, classified in class 604, subclass 100.02 for example.
- VI. Claims 49-51, 53, drawn to a method of calculating a blood glucose concentration, classified in class 436, subclass 57 for example.
- VII. Claim 52, drawn to a method for determining the concentration of a metabolite or analyte in skin tissue, classified in class 424, subclass 9.6 for example.

The Applicant hereby elects, without traverse, to proceed with Group III (Claims 19, 23-43).

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Also, Claim 19 and 33 have been amended to clarify the term "skin sensor composition." Both Claim 19 and Claim 33 defined "skin sensor composition" by reference to Claim 10, which has been canceled. Claims 19 and 33 now incorporate an independent definition of "skin sensor composition." No new matter has been added.

The Examiner has also required an election of species with regard to several claims. Applicant elects species as follows: for Claims 27, 37, and 43, Applicant elects lactate; for Claim 34, Applicant elects mitochondrial vital stain or dye; for Claims 25 and 35, Applicant elects 2',7'-bis-(2-carboxyethyl)-5-(and-6)-carboxyfluorescein; for Claims 26 and 36, Applicant elects xanthene dyes; for Claim 29, Applicant elects wicking; and for Claims 31 and 41, Applicant elects from about 5 seconds to 5 minutes. The claims that read on these species are Claims 19, and 23-43.

CONCLUSION

In view of the forgoing, the present application is believed to be in condition for examination, and such examination is respectfully requested. If further issues remain to be resolved, the Examiner is invited to contact the Applicant's undersigned attorney of record at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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